

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES ROGERS,

Plaintiff,

v.

SELECT LEASING, INC.,
GARRETT ROBERT ADAM,

Defendants.

NOTICE OF REMOVAL

Index №.

PLEASE TAKE NOTICE that defendants SELECT LEASING, INC. and GARRETT ROBERT ADAM (hereinafter “Removing Defendants”), by their attorneys, Bennett Schechter Arcuri & Will LLP, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this Notice of Removal of the action styled *Charles Rogers, Plaintiff, versus Select Leasing, Inc. and Garrett Robert Adam, Defendants*, Index №. E2022000171 (the “Action”), from the Supreme Court of the State of New York, County of Monroe, to the United States District Court for the Western District of New York.

In support thereof, Removing Defendants state:

1. On or about January 7, 2022, Plaintiff Charles Rogers (hereinafter, “Plaintiff”) commenced the Action by filing a Summons and Complaint in the Supreme Court of the State of New York, County of Monroe, against Removing Defendants Select Leasing, Inc. and Garrett Robert Adam. A copy of the Summons and Complaint is attached hereto and incorporated herein by reference as **Exhibit A**.

2. On February 28, 2022, the Removing Defendants appeared in the Action by serving their Answer, a copy of which is attached hereto and incorporated herein by reference as

Exhibit B.

3. After the commencement of the action, and in accordance with N.Y. CPLR 3017(c), the Removing Defendants served a Supplemental Demand for Relief on the Plaintiff, a copy of which is attached and incorporated herein by reference as **Exhibit C**.

4. On March 21, 2022, Removing Defendants received Plaintiff's Supplemental Discovery Responses, dated March 21, 2022, which included a demand for relief seeking Two Million Dollars (\$2,000,000.00) in damages in this action, a copy of which is attached as **Exhibit D**.

5. According to Plaintiff's Complaint, Plaintiff Charles Rogers is an individual domiciled in the State of New York and, therefore, for the purposes of this Notice of Removal, is a citizen of the State of New York. *See* Ex. A.

6. Removing Defendant Select Leasing, Inc., is a corporation organized under the laws of the State of Michigan, with a principal place of business in the State of Michigan and, therefore, for the purposes of this Notice of Removal, is a citizen of the State of Michigan.

7. Removing Defendant Garrett Robert Adam is an individual domiciled in the State of Michigan and, therefore, for the purposes of this Notice of Removal, is a citizen of the State of Michigan.

8. This Court has original subject matter jurisdiction over the Action pursuant to 28 U.S.C. §§1332(a) and 1441(b), because (a) there is complete diversity of citizenship among the parties; (b) the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00) exclusive of interest and costs; and (c) none of the parties in interest who are properly joined and served as Defendants are citizens of the State of New York. The Action may, therefore, be removed pursuant to 28 U.S.C. § 1441(b).

9. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(3) and (c), because it is filed within thirty (30) days after receipt of Plaintiff's Demand for Relief where it was first ascertainable that the case was removable, and within one (1) year of commencement of the Action.

10. Pursuant to 28 U.S.C. §1446(b)(2), all defendants who have been properly joined and served join in and consent to the removal of the Action.

11. Pursuant to 28 U.S.C. §1441(a), removal venue exists in the United States District Court for the Western District of New York because the Supreme Court, Monroe County is within the jurisdiction of the Western District of New York.

12. Pursuant to 28 U.S.C. §1446(a), all process, pleadings, and orders served to date upon the Removing Defendants are appended hereto. Pursuant to Local Rule 81(a)(3), an index of all documents filed in the state court action is attached hereto as **Exhibit E**.

13. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being served upon the Plaintiff and is being filed with the Clerk of the Supreme Court, Monroe County. *See* Notice of Filing of Notice of Removal, with Affidavit of Service, attached hereto as **Exhibit F**.

14. Removing Defendants reserve the right to amend or supplement this Notice of Removal.

WHEREFORE, Removing Defendants request that the case styled *Charles Rogers, Plaintiff, versus Select Leasing, Inc. and Garrett Robert Adam, Defendants*, Supreme Court of the State of New York, County of Monroe, Index №. E2022000171, be removed to this Court, and that this Court take subject matter jurisdiction over this Action.

Dated: Buffalo, New York
March 22, 2022

Yours, etc.,

Jordan D. Mroczek, Esq.

BENNETT SCHECHTER
ARCURI & WILL LLP

By: Jordan D. Mroczek, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2022, the foregoing Notice of Removal was mailed by first-class U.S. mail, postage prepaid, and filed electronically with the Clerk of Court, to be served by operation of the Court's electronic filing system, upon the following:

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Jordan D. Mroczek, Esq.

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